IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

-

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

-

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13857 of 2004

-

Between:

1 Shree Srinivasa Khandasari Udhyog, Dongaldharmaram

Village, Medak District. represented by its Partner

Susheel Kumar Singnodia
2 Mohan Khandasari Sugar Mill, Kodkandla Village, Medak

District, represented by its Partner Susheel Kumar

Singnodia

..... PETITIONERS

AND

-

1 The Commissioner of Prohibition and Excise, Andhra

Pradesh, Gagan Vihar, M.J.Road, Hyderabad .
2 The Superintendent of Prohibition and Excise, Medak

District at Sangareddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring that the respondents herein have no jurisdiction to impose any restrictions on the storage and transport of molasses by the petitioner Khandasari Sugar Mills from the State of Andhra Pradesh to any other place in India, since such restriction is illegal, without jurisdiction and violative of Art.19(1)(g) of the Constitution of India

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for Respondent No.: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Excise appearing for the respondents.

The petitioners seek a Writ of Mandamus declaring that the respondents have no jurisdiction to impose any restrictions on the storage and transport of Molasses by the petitioner-Khandasari Sugar Mills from the State of Andhra Pradesh to any other place in India.

It is represented by the learned counsel for the petitioners as well as the learned Government Pleader for Excise appearing for the respondents that the issue involved in this writ petition is squarely covered by the decision of this Court in ***M/s. Gauri Industries (Manufacturers of Rectified Spirit) Vs. Commissioner of Prohibition and Excise, Andhra Pradesh***, ***in W.P.No.8136 of 2004*** wherein it is held as under:

> "It is a fact that the possession as well as transportation of Molasses was being controlled by the Government. But, however, the said Control Order was rescinded by the Central Government as early as in 1993. Thereafter, there were no provisions either in the A.P. Excise Act or under any Rules framed by the State Government and this fact

was clarified by a Division Bench of this Court in Writ Appeal No.2209 of 1998, dated 08-05-2001.

The restriction of transportation of Molasses is only, if it is intended for utilization of illicit distillation and on such occasions only the respondent authorities can take action. But, however, if any individual is transporting the Molasses under a valid purchase bills to the destination of the purchaser, the respondent authorities have no right to interfere with such transportation.

Therefore, the writ petition is disposed of clarifying the position that the respondents have no right to insist the petitioner for any permission or for obtaining NOC for transport of Molasses from the Sugar Factories to any other specified destination for being used by the purchaser".

Accordingly, the Writ Petition is disposed of in terms of the directions in the above decision. No costs.

G. ROHINI, J.

6th August, 2004.

Js.

Note: C.C. Tomorrow.

B/o

Js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Commissioner of Prohibition and Excise, Andhra

Pradesh, Gagan Vihar, M.J.Road, Hyderabad .

2 The Superintendent of Prohibition and Excise, Medak

District at Sangareddy.

3 Two CCs to G.P. for Prohibition and Excise, High Court

Buildings, Hyderabad.

4 2 CD copies.